

FOR THE ENTIRE POLICE GRAFT SYSTEM IN STORY TOLD BY CLACHE GIRL

ABANDONS HER \$50,000 SUIT AGAINST DURYEA

Actress Sara Madden Refuses to Take Stand, and Case Is Dismissed.

ASKED FOR DAMAGES.

Testified Yesterday that Horseman Had Broken His Promise to Marry Her.

The trial of the \$50,000 breach of promise brought by Sara Madden, an actress, against Peter Duryea, a well-known horseman and the husband of Viola Allen, came to a sensational ending today before Justice Giegerich when the plaintiff refused to go on with the action and the court dismissed the complaint.

George C. Coffin and Louis Cuvillier appeared for Miss Madden, while Nathaniel Cohen, of Howe & Hummel's office, represented Duryea.

Miss Madden while on the stand yesterday admitted to Attorney Cohen that when she signed the complaint in the breach of promise case she had not read it carefully and admitted that some statements in it were untrue. She denied that she had sworn, with knowledge of the fact, to a statement that she had many offers of marriage during the four years she lived with Duryea.

Wouldn't Go to Court.

Miss Madden seemed mildly indignant when her lawyers over the error in her complaint. She went to their offices before court opened to-day, and there was a stormy scene. She refused flatly to go on with the case or resume the stand. Nor would she accompany them to court at the hour set for the resumption of the trial.

When Mr. Cuvillier counsel for the actress, appeared in court he revealed that the suit had been called off.

Mr. Cuvillier made these remarks to the court:

"Your Honor, we are assured by the law firm of Parker, Sheehan & Hatch, that if this suit ever reaches a judgment in damages it will never be paid. I say this on the information I received from the defendant's lawyer up with this defendant (Duryea) in any way."

Further, the plaintiff refuses to have her name further mixed up with this defendant (Duryea) in any way."

Parker, Sheehan & Hatch are attorneys for W. E. D. Stokes.

Then Mr. Coffin, the other lawyer for the actress, said, addressing Justice Giegerich:

"Your Honor, owing to facts that have come to my knowledge since court closed yesterday I wish to withdraw from the case."

Asked for Dismissal.

Lawyer Cohen, for Duryea, objected to the case going by default, and said it had been shown that the plaintiff was worth at least \$250,000, which would assure the collection of a judgment if she were ever made to go to court and that the case be adjourned so that he could subpoena the plaintiff and compel her to appear and testify. He declared that if this was not done the case should be dismissed, and that the dismissal should be entered on the minutes so that the case would be protected for all time.

Mr. Coffin then agreed with Mr. Cohen, saying:

"I feel that Mr. Cohen is right in his contention that this is an action that the actress's counsel was talking about not to have been brought. And it would not have been brought had I known as much about it before as I do now. I should have never had anything to do with it, or have gone into the case."

Mr. Coffin told the court that he had been informed by Parker, Sheehan & Hatch that action was to be taken against the defendant in connection with the Gold Cup race, in which it has been alleged that the mare Lou Dillon was dopped when beaten by Major Delmar, then owned by E. E. Smathers, and that the firm represents the National Turf Association, and that he had been told that the defendant's property would be tied up. A great deal of money is said to have changed hands on account of the somewhat unexpected defeat of Lou Dillon.

On advice from Parker, Sheehan and Hatch, and as the defendant in this case refused to go on with it, I join in the motion."

"Then Mr. Coffin supplemented his former remarks, saying with emphasis: "In regard to certain statements made to me by Parker, Hatch & Sheehan I believe that they are all untrue. I believe that if she got judgment it would be worthless. And from information she got from these attorneys concerning the defendant she does not wish her name in any way connected with him."

"Then the complaint is dismissed with costs for the defendant," announced Justice Giegerich.

Mr. Duryea, leaving court, refused to say anything about the suit. None of the lawyers said anything beyond saying that Miss Madden received no cash settlement for withdrawing from the action.

KIDNAPER BOY'S CAPTORIS CAUGHT, CHILD IS HOME

Escaped When Abductors Became Scared Over the Stories Published.

PRISONER THREE DAYS.

Father Says It Was Part of Plot to Ruin Bank He Owns.

John Bozzuffi, the rich Italian banker of the east side, whose fourteen-year-old son, Tony, escaped to-day from the brutal captivity in which kidnapers held him more than forty-eight hours, declares business enemies engineered the abduction in a plot to ruin him financially—a plot almost too subtle for any but the Sicilian mind to grasp.

Meanwhile the police, following an entirely different line of theory, promptly arrested two suspects, one of whom has been identified as the man who rented the rooms in Fifty-ninth street where young Bozzuffi was held a prisoner from Sunday night until this morning.

Kidnapers Scared.

But the father of the youth insists that he is the victim of a conspiracy to drive him out of business. He thinks the plot was to ruin his bank, and then circulate the report that he meant to pay the ransom of \$20,000 which was demanded, hoping thus to cause a fatal run upon his bank. There was a run, it is true, but the same publication in the papers which had brought the frightened depositor clamoring for their funds also frightened the four kidnapers into letting their little hostage get away. His return home turned the run on the bank into a congratulatory demonstration and saved the father's credit.

Fifteen minutes after the boy had been found detectives raided the flat where he had been imprisoned. The kidnapers had fled, hours before, but in their haste to escape they left behind evidence that may help to convict them when they are rounded up.

Detective-Sergeant Joe Petrosino, in charge of the man-hunt, declares that the four men described by the boy, were merely the accessories in a plot which originated among Italians very close to the Bozzuffi family. In many of its essentials he says this case is identical with that other Italian kidnapping the case of Tony Mannino of Brooklyn. Mixed relatives were suspected of being mixed up in the Mannino affair. It was a cousin of Tony Mannino who picked him up on a street car. It was an uncle—Eugene Melini, of No. 319 East Sixty-first street—who was armed young Tony Bozzuffi providentially ran when he bolted this morning from the place of his captivity.

Run on the Bank.

The run on the Bozzuffi Bank was an interesting by-product of to-day's developments. Fear that the father might cripple himself financially by paying the huge ransom brought dozens of excited depositors to his doors early this morning. Over \$7,000 had been withdrawn when news spread along the line of waiting Italians that the boy had been found. Then there was a rush to redeposit the savings.

The escape of the banker's son from the quartet that held him hostage for (Continued on Second Page.)

SOUTH SAYS "HOWDY" TO THE HIGHLANDERS.

Members of the New York American baseball team have received a warm welcome to Birmingham, Ala., where they are spending the training season. They have been elected members of the local athletic club and practically voted the freedom of the city. They reached Birmingham to-day, and a telegram to The Evening World says they at once began work.



TERRANOVA GIRL SMILES WHEN HELD BY CORONER

Wee Sister of Slayer of Aunt and Uncle Tells Story that Shocks Jurymen—Death Struggle Demonstrated by Witness.

The story of Josefina Terranova, the eighteen-year-old girl who murdered her uncle and her aunt to free her name from blemish, was told once more to-day at the inquest before Coroner Robert H. McDonald in the Coroner's Court of the Bronx, at Third and Tremont avenues.

It was a tale of a Sicilian code of honor, applied in New York on Washington's Birthday by this ignorant, impulsive young woman. As it was unfolded there was presented to a large crowd of spectators a vivid picture of the life from the recollection of which she hoped to rid herself by knife and revolver.

All the characters in this sordid little drama were distinct. First there was the fat jovial baker, Gaetano Rigido, who hid his immorality behind a mask of mirth, and his wife Concetta, who gave her aid when he was abusive to the girl.

It was when she killed both of them on Washington's Birthday that the well-to-do Italian colony of the Bronx and Harlem for the first time realized the almost unbelievable conditions under which she had lived with the aunt, who was her mother's sister, and the man who was both uncle and godfather to her.

She removed her long black coat and her fur that were the wedding gift of Giuseppe Terranova, who married her Jan. 23. She wore these garments on her mission of death to the home of the baker. She nodded rather haughtily to those of her countrywomen who were in court. The difference between them was pronounced.

Josefina showed her almost childish vanity when she posed for a photograph.

"Don't you think this is a pretty hat?" she asked. "And this is a nice pin Berthe Clache gave me."

Then she pointed to a silver Maltese cross she wore on her white silk shirt waist. The pin bore this legend: "Thy Kingdom Come."

"I heard somebody shout," said Josefina. "But I am not afraid. God washed my sin away with blood. Nothing can harm me."

So, with a toss of her head, she turned to her lawyer, former Judge Palmieri.

The first witness called was Dominico Zitto, of No. 110 Sixth street, Williamsbridge. He was the first person to run upstairs in the Rigido home, at No. 110 East Two Hundred and Twentieth street, Williamsbridge, after Josefina had stabbed her aunt and her uncle. He said he was employed for four months by Rigido as the baker's helper.

Uncle Held the Girl.

Assistant District-Attorney Cordova conducted the examination for the State. It progressed slowly, because Zitto could understand no English. He said that while going over the accounts on the evening of Feb. 22, Josefina came with a party of Sicilians in Philadelphia, and that she was taken to a room there and made to take an oath against the President, being told that she would be destroyed if it was not executed.

She declared she fled to Houston, Tex., but the men followed her there, and then she had come to New Orleans.

PHILADELPHIA, March 7.—The name Leweller does not appear in the local directory. Socialists here claim they do not know the woman, nor in New Orleans.

OTHER WOMEN ALSO TELL OF EXTORTION

Forced to Contribute Stated Sum Each Week to Vice-Squad Men, and Were Immune From Sudden Arrest on Streets.

Berthe Clache made a lengthy confession involving four policemen formerly stationed in the Tenderloin Precinct to Assistant District-Attorney Ely this afternoon. Witnesses have been secured who will corroborate her statements. Some corroboration has already been obtained in the shape of testimony given at her trial.

The girl, under oath, said it was her custom and the custom of all the women of her class in the Tenderloin Precinct to contribute \$2 a week toward a fund for four policemen whom she named. This fund, she said, was divided between them. Her statement is long and circumstantial. She said that in her acquaintance were fifty or sixty women who contributed \$2 a week to this fund and that undoubtedly there were others whom she did not know.

M'GINNITY AND MARSHALL NOW WITH GIANTS

Iron Man in Fine Shape but the Catcher Is Much Over Weight.

(Special to The Evening World.)

MEMPHIS, Tenn., March 7.—Rain which stirred the white clay at Red Elm Park, commencing shortly after midnight, kept up throughout the forenoon and prevented the Giants from taking daily work to-day. Shortly after noon Manager McGraw issued a proclamation declaring a holiday. The New Yorkers scattered around the city, many attending the matinee performance of "Camille," with Sarah Bernhardt at the attraction.

Pitcher J. J. McGinnity and Catcher William Marshall arrived on early trains, completing another change battery for the preliminary set-up which McGraw has planned for the future. McGinnity, in civilian's clothes, took the picture of health, and says he has spent a winter of idleness at his South Mountain foundry in Indian Territory.

Marshall has been studying medicine at a Chicago university. He is overweight. This caused Manager McGraw to remark something about his future diet, but Marshall seems confident of reducing to normal before the team leaves Red Elm. McGinnity said he has not had a ball in his hand since the memorable day last fall when he worked against the Philadelphia Athletics in the world's series.

To Bare Whole System.

So amazing are the disclosures of Berthe Clache that District-Attorney Ely is likely to probe deeper than into the actions of the four policemen directly implicated by the girl. She has heard of other policemen who were grafting and has given lines by which they may be reached.

The result of her confession may be the exposure of the whole system of police graft upon the Tenderloin underworld. Berthe Clache's story applies only to women who ply their trade on the streets.

Mr. Ely does not consider it probable that the grafters allowed the others to escape.

In the police vernacular some of the policemen who served in the Egbert's force are "in bed." It is reported that this is enough corroborative of Berthe Clache's story to secure the indictment of at least one officer.

Because of her deep-seated conviction that she would be acquitted by the jury, Berthe Clache is not quite satisfied with her plea. Well-meaning, but overtrained enthusiasts and sympathizers assured her no jury on earth would ever convict her of murdering Gaetano Rigido—that they would set her free without leaving their seats.

Berthe Clache had confidence in the jury.

LATE RESULTS AT FAIR GROUNDS.

Fifth—R. F. Williams 5-1 Sonoma Belle out pl. Judge Hime
Sixth—Arabo 4-1, Enverite out place. Celebration.
AT CITY PARK.
Fifth—Monochord 7-1, Dunganon 1-1 place, Bert Osra.
Sixth Race—Declared off.
Seventh—Bisque 9-2, Hymettus 4-5 place, Bradley's Pet.

TENDERLOIN COPS ARE SHIFTED.

Commissioner Bingham this afternoon after his conference with Berthe Clache's lawyers, transferred twenty-five policemen from the Tenderloin. Eight men were taken from Mercer street and sent to the Tenderloin and five were taken from the Oak street station.

CONSUMPTION DRIVES MAN TO SUICIDE.

Albert Bertram, aged thirty-three, committed suicide by inhaling gas in his rooms at No 160 West Ninety-ninth street this afternoon. Bertram's body was found by his sister, with whom he lived.

The suicide had been suffering from consumption.

VANNESS LEADS ALL THE WAY IN THE THIRD

Deuxtamps Beaten Two Lengths by Odds-On Favorite.

FAIR GROUNDS, NEW ORLEANS, March 7.—There was nothing particularly extraordinary about to-day's card here. The fifth race at a mile and a quarter had the best field of the day. The track was sloppy and rain was pouring down when the horses went to the post in the first race.

FIRST RACE—Five furlongs; selling. Betting: Str. Pl.

Starline, weights and jockeys.	11.5	4.5
Philador, 108, L. Smith.	12	5
Catherine H, 90, M. Murphy.	13	5
Quaint, 104, McDonald.	12	5
Nedding Run, 101, Hoffman.	12	5
Propane, 100, Freeman.	9.2	7.5
Mazzini, 104, Delisle.	20	8
Ell Carroll, 91, Hebrans.	20	8
Chancy Birch, 96, Morland.	20	8
Deas Chabot, 94, Nourse.	12	5
Chaucery Orest, 101, Parline.	12	5
Perfect, 101, Aubuchon.	12	5
Prize of Westchester, 105, Hayes.	13	5
Oriflamme, 90, J. Johnson.	30	10
Shapwick, 104, Warren.	30	10

Perfect made the running to the stretch, followed by Oriflamme and Quaint. In the run home Philador closed strong and taking the lead won in a drive by a head from Catherine H, who was a length in front of Quaint.

SECOND RACE—Two-year-olds; four and a half furlongs. Betting: Str. Pl.

Starline, weights and jockeys.	12	5
Big Store, 106, J. Martin.	8.5	1.2
Gold Circle, 100, Robinson.	12	5
Prize of Westchester, 105, Hayes.	13	5
Quaint, 104, McDonald.	12	5
Shapwick, 104, Warren.	30	10
Lucy Marie, 103, Aubuchon.	7.2	7.5

Big Store made the running, followed by Our Own and Gold Circle. In the run home Our Own closed by a nose. Big Store was two lengths in front of Gold Circle. Time—0:56 4-5.

THIRD RACE—Six furlongs; selling. Betting: Str. Pl.

Starline, weights and jockeys.	12	5
Van Nesa, 121, J. Martin.	2.5	—
Suez Temp, 90, Weyman.	11.5	—
Mohave, 110, Diggins.	40	5

Time—1:18 1-5.

Van Nesa made all the running and won easily by a length from Deux Temps, who beat Mohave two lengths. Time—1:18 1-5.

FOURTH RACE—James Redick (4 to 5) and 0.1, Rainland (3 to 5 for place) 2, Macy, Jr. 3.

MRS. TOLLA TO HAVE ANOTHER CHANCE.

TRENTON, N. J., March 7.—The Court of Pardons will on Friday next take up the case of Mrs. Antoinette Tolla, who is under sentence to be hanged in the county jail at Hackensack, and decide whether or not she will die on Monday next. The woman was some time ago given a respite by Gov. Stokes, but this expires on Monday and unless the Court of Pardons interferes she will be executed on that date.

Mrs. Tolla was to have been hanged in the Bergen county jail at Hackensack on Feb. 10 last.

KILL ROOSEVELT OR DE, SAYS WOMAN

Fled from Socialists Who Swore Her to Assassination, She Declares.

NEW ORLEANS, March 7.—Declaring that her life will be taken unless she assassinates President Roosevelt, a woman, who gave her name as Mrs. W. B. Leweller, of Philadelphia, applied at Central Police Headquarters to-day for protection.

She spoke rationally on all general subjects, but the police and coroner decided to detain her for an examination. Mrs. Leweller said that she fell in with a party of Socialists in Philadelphia, and that she was taken to a room there and made to take an oath against the President, being told that she would be destroyed if it was not executed.

She declared she fled to Houston, Tex., but the men followed her there, and then she had come to New Orleans.

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